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July 2, 2014

VIA ECF

Judge Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square, Chambers 2204
Courtroom 705
New York, NY 10007

Re: *Lockheed Martin Corporation, et al. v. MTA, et al.*
Civil Action No.: 09 Civ. 4077 (PGG)

Dear Judge Gardephe,

Our firm represents Defendants Metropolitan Transportation Authority, et al. ("MTA"), in the above captioned matter. After consultation with counsel for Lockheed Martin, we jointly submit this letter respectfully requesting that Your Honor grant a two-week extension of time to file a portion of the pretrial papers, currently due on July 9, 2014, to July 23, 2014.

The papers subject to this request for an extension are the (i) proposed findings of fact and conclusions of law, (ii) the pretrial memorandum, and (iii) the synopses of the deposition designations. In addition, due to the present unavailability of two witnesses, counsel for Lockheed Martin and MTA have, subject to the Court's approval, agreed to allow for the late filing of declarations for one of plaintiff's witnesses, Steven Smith, a non-party witness from the subcontractor on the project, Five Star Electric, and one witness for defendant, Kenneth Shields, the MTA's Consultant Construction Manager during the project. Finally, MTA seeks permission to make its application to file an application to seal certain portions of the record, which will be similar to its application in connection with its motion of partial summary judgment, within the proposed extrusion period. The making of the sealing application will require that the ECF filing be done by July 23, 2014. The parties will deliver to Chambers the pre-trial order and other submissions by July 9, 2014 except for the papers to be delivered by July 23, 2014.

Counsel for the parties have agreed not to refer to, or use in any way, the other party's trial affidavits in the two later filed witness declarations, their proposed findings of facts and conclusions of law or trial memoranda. The parties want to file motions in limine and responses and proceed to trial as scheduled on October 6, 2014.

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HOGUET NEWMAN
REGAL & KENNEY, LLP

Thank you for your courtesy in this matter.

Respectfully submitted,



Ira J. Lipton

cc: Adam Friedman, Esq. (by ECF)
Michael Chartan, Esq. (by ECF)